

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION,	)	
et al.,	)	
	)	
Plaintiff,	)	
	)	Case No: 4:16-cv-2163-CDP
v	)	
	)	
PEOPLE FOR THE ETHICAL	)	
TREATMENT OF ANIMALS, INC., et	)	
al.	)	
	)	
Defendant	)	

**OFFER OF JUDGMENT**

COMES NOW Plaintiff/Counterclaim Defendant Connie Braun Casey (“Ms. Casey”), by and through the undersigned counsel, and hereby offers to allow entry of judgment to be taken against her and in favor of Counterclaim Plaintiffs pursuant to Rule 68 of the Federal Rules of Civil Procedure as follows:

1. Count 1:

- a. Entering a declaratory judgment that Counterclaim Defendant’s treatment of endangered chimpanzees at issue in Counterclaim Plaintiff’s pleadings violated the ESA’s prohibition on the “take” of an endangered species set forth in 16 U.S.C. § 1538(a)(1)(B) and corresponding regulations;
- b. Enjoining Counterclaim Defendant pursuant to 16 U.S.C. § 1540(g)(1)(A) from violating the ESA and its implementing regulations with respect to endangered chimpanzees;
- c. Enjoining Counterclaim Defendant from owning or possessing any endangered chimpanzees in the future; and,

- d. Appointing a special master or guardian ad litem to determine the most appropriate placement for the forfeited chimpanzees, consistent with their best interests, at wildlife sanctuaries that are accredited by the Global Federation of Animal Sanctuaries and that will provide animals with appropriately sized naturalistic habitats, adequate socialization, and expert care;
- e. Enjoining Counterclaim Defendant from taking part in the care and/or maintenance of the chimpanzees at issue in this case and/or the care of any other endangered chimpanzee(s); and,
- f. Enjoining Counterclaim Defendant from taking any part in the care and/or maintenance of any facility where the chimpanzees at issue in this case are housed and/or the care and maintenance of any facility where any other endangered chimpanzee(s) is(are) housed.

2. Count 2:

- a. Entering a declaratory judgment that Counterclaim Defendant violated 16 U.S.C. § 1538(a)(1)(D) and corresponding regulations by the possessing of the endangered chimpanzees at issue in this case who have been unlawfully taken by Counterclaim Defendant;
- b. Enjoining Counterclaim Defendant pursuant to 16 U.S.C. § 1540(g)(1)(A) from violating the ESA and its implementing regulations with respect to the endangered chimpanzees at issue in this case;
- c. Enjoining Counterclaim Defendant from owning or possessing any endangered chimpanzees in the future;

- d. Appointing a special master or guardian ad litem to determine the most appropriate placement for the forfeited chimpanzees, consistent with their best interests, at wildlife sanctuaries that are accredited by the Global Federation of Animal Sanctuaries and that will provide animals with appropriately sized naturalistic habitats, adequate socialization, and expert care;
- e. Enjoining Counterclaim Defendant from taking part in the care and/or maintenance of the chimpanzees at issue in this case and/or the care of any other endangered chimpanzee(s); and,
- f. Enjoining Counterclaim Defendant from taking any part in the care and/or maintenance of any facility where the chimpanzees at issue in this case are housed and/or the care and maintenance of any facility where any other endangered chimpanzee(s) is(are) housed.

If Counterclaim Plaintiffs do not accept this offer, they may become obligated to pay Counterclaim Defendant's costs incurred after the making of this offer in the event that they do not recover a judgment that is more favorable than this offer of judgment pursuant to Rule 68(d) of the Federal Rules of Civil Procedure.

To accept this offer, Counterclaim Plaintiffs must serve written notice of acceptance thereof within fourteen (14) days of the date this offer is made. This offer is not to be construed in any way as an admission of liability by the Counterclaim Defendant, but rather is made solely for the purpose of compromising a disputed claim.

RYNEARSON SUESS SCHNURBUSCH  
CHAMPION, LLC.

BY: /s/ Victor H. Essen, II  
Debbie S. Champion, #38637MO  
Victor H. Essen, II, #57629MO  
500 North Broadway, Suite 1550  
St. Louis, MO 63102  
314-421-4430 / FAX: 314-421-4431  
[dchampion@rssclaw.com](mailto:dchampion@rssclaw.com)  
[vessen@rssclaw.com](mailto:vessen@rssclaw.com)  
*Attorney for Plaintiff/Counter-Defendant*  
*Connie Braun Casey*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was mailed by First Class Mail, postage prepaid, and sent by the Court's electronic filing system on this 30<sup>th</sup> day of July 2020 to:

Martina Bernstein  
PETA FOUNDATION  
1536 16<sup>th</sup> Street NW  
Washington, DC 20036  
202-483-7382 / FAX: 202-540-2208

[martinab@petaf.org](mailto:martinab@petaf.org)

*Attorney for Angela Scott and People for the Ethical Treatment of Animals, Inc.*

Marissa Lauren Curran  
James P. Martin  
Kelly J. Muensterman  
POLSINELLI PC  
100 S. Fourth Street, Ste. 1000  
St. Louis, MO 63102  
314-889-8000 / FAX: 314-231-1776

[mcurran@polsinelli.com](mailto:mcurran@polsinelli.com)

[jmartin@polsinelli.com](mailto:jmartin@polsinelli.com)

[kmuensterman@polsinelli.com](mailto:kmuensterman@polsinelli.com)

*Attorney for Angela Scott and People for the Ethical Treatment of Animals, Inc.*

Jared S. Goodman  
PETA FOUNDATION  
2154 W. Sunset Blvd.  
Los Angeles, CA 90026  
323-210-2266 / FAX: 213-484-1648

[jaredg@petaf.org](mailto:jaredg@petaf.org)

*Attorney for Angela Scott and People for the Ethical Treatment of Animals, Inc.*

Geordie L. Duckler  
9397 SW Locust St.  
Tigard, OR 97223  
503-546-8052

[geordied@animallawpractice.com](mailto:geordied@animallawpractice.com)

*Attorney for Andrew Sawyer*

Patrick John Hanley  
214 E. Fourth Street  
Covington, KY 41011  
859-240-5080 / FAX: 859-431-2194  
[p.hanley@att.net](mailto:p.hanley@att.net)  
*Attorney for Vito Stramaeglia*

/s/ Victor H. Essen, II